

BILL NO. 88-59
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 88-59 (AS AMENDED)

Introduced by Council Member Schafer

Legislative Day No. 88-25 Date August 9, 1988

AN ACT to repeal and reenact, with amendments, Section 163-7, Procedures, Section 163-8, Hearing Before the Council, Section 163-10, Subrogation, and Section 163-11, Reimbursement by Dog Owner, of Article I, Compensation for Livestock Damaged by Dogs, of Chapter 163, Livestock, of the Harford County Code, as amended; to require that two appraisers evaluate each claim for compensation for livestock damaged by dogs; to require that each appraiser submit a report; to require that appraisers be paid for their reports; to authorize the County Council to adopt, by resolution, administrative rules governing claims for compensation for livestock damaged by dogs; to alter the procedure by which the County Council makes awards for such claims; and generally relating to claims for compensation for livestock damaged by dogs.

By the Council, August 9, 1988

Introduced, read first time, ordered posted and public hearing scheduled

on: September 13, 1988

at: 7:30 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 13, 1988

and concluded on September 13, 1988
Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By the County Council of Harford
2 County, Maryland, that Section 163-7, Procedures, Section 163-
3 8, Hearing Before the Council, Section 163-10, Subrogation,
4 and Section 163-11, Reimbursement by Dog Owner, all of Article
5 I, Compensation for Livestock Damaged by Dogs, of Chapter 163,
6 Livestock, of the Harford County Code, as amended, be, and
7 they are hereby, repealed and reenacted with amendments, all
8 to read as follows:

9 Chapter 163. Livestock.

10 Article I. Compensation for Livestock Damaged by Dogs.

11 Section 163-7. Procedures.

12 A. Upon receipt of an application for compensation, the
13 Sheriff shall appoint [three (3)] TWO (2) disinterested
14 persons as appraisers. The appraisers shall have general
15 knowledge of the value of livestock and may be selected from a
16 list ~~of volunteers~~ maintained by the Sheriff. The list may
17 include but is not limited to members of breeder associations.
18 The Sheriff's Department shall investigate the incident.

19 B. [Appraiser's Report] (1) The Sheriff shall insure that
20 [an appraisers' report is submitted. The appraisers shall, by
21 a majority, under oath, state in writing] EACH APPRAISER
22 SUBMITS A REPORT. EACH REPORT SHALL BE IN WRITING, UNDER
23 OATH, AND STATE:

24 (a) the number of livestock [they believe]
25 destroyed or injured;

26 (b) the character and extent of injury;

27 (c) the APPRAISER'S ESTIMATE OF THE amount of
28 damages sustained by the owner;

29 (d) whether [they believe] THE APPRAISER
30 BELIEVES that the injury or destruction was caused by a dog;

31 (e) that [they have] THE APPRAISER HAS
32 personally viewed:

1 (i) all injured or destroyed livestock; OR
2 (ii) PHOTOGRAPHS OF THE LIVESTOCK TAKEN
3 AFTER THE INJURY OR DESTRUCTION; and

4 (f) any other information requested by the
5 Sheriff.

6 (2) The appraisers shall base their [estimate]
7 ESTIMATES of the amount of damages on the fair market value of
8 the livestock.

9 (3) The sworn [report] REPORTS of the appraisers
10 shall be deemed prima facie evidence of the fairness of the
11 amount of damages sustained.

12 C. Upon receipt of the [verified appraisers' report,]
13 APPRAISERS' REPORTS, the Sheriff shall forward the [report]
14 REPORTS and the application for compensation to the Secretary
15 of the Council.

16 D. THE COUNTY SHALL PAY AN APPRAISER \$10 FOR EACH REPORT
17 REQUESTED BY THE SHERIFF AND COMPLETED BY THE APPRAISER. THE
18 FEES PAID TO APPRAISERS UNDER THE PROVISIONS OF THIS
19 SUBSECTION SHALL BE PAID FROM THE ANNUAL APPROPRIATION MADE TO
20 THE SHERIFF'S DEPARTMENT UNDER SECTION 163-1.

21 Section 163-8. [Hearing Before The Council.] COUNCIL
22 PROCEDURES FOR AWARDS.

23 A. [Upon receipt of the report and application, the
24 Secretary of the Council shall schedule a hearing before the
25 Council at the first opportunity and notify the complainant,
26 by certified mail, return receipt requested, of the date of
27 the hearing.]

28 BY ORAL MOTION DURING LEGISLATIVE SESSION, THE COUNCIL
29 SHALL AWARD DAMAGES TO THE COMPLAINANT IN AN AMOUNT EQUAL TO
30 THE AVERAGE OF THE APPRAISERS' ESTIMATES OF TOTAL DAMAGES IF:

31 (1) THE APPRAISERS' REPORTS CONFIRM THAT THE
32 COMPLAINANT'S LIVESTOCK LOSS WAS CAUSED BY A DOG; AND

1 (2) THE COMPLAINANT HAS COMPLIED WITH THE PROVISIONS
2 OF THIS ARTICLE.

3 B. IF THE COUNCIL DOES NOT AWARD DAMAGES, OR IF THE
4 COMPLAINANT DISAGREES WITH THE AMOUNT OF DAMAGES AWARDED, THE
5 COMPLAINANT MAY OBTAIN A HEARING BEFORE THE COUNCIL BY FILING
6 A WRITTEN REQUEST WITH THE SECRETARY OF THE COUNCIL. UPON
7 RECEIPT OF A REQUEST, THE SECRETARY SHALL SCHEDULE THE HEARING
8 AT THE FIRST OPPORTUNITY AND NOTIFY THE COMPLAINANT BY
9 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE DATE OF THE
10 HEARING.

11 [B.] C. (1) WHEN A HEARING IS HELD IN ACCORDANCE WITH
12 SUBSECTION B. OF THIS SECTION, THE [The] Council shall [hold a
13 hearing on the matter reviewing] REVIEW the information
14 submitted by the Sheriff and CONSIDER any testimony offered by
15 the complainant. The complainant's testimony shall be under
16 oath. At the hearing, the complainant may submit a written
17 report by an appraiser of the complainant's choice as to the
18 value of the loss. The report shall be under oath and comply
19 with all of the requirements of Section 163-7(B)(1) of this
20 article.

21 (2) [Except as provided in paragraph (2) of this
22 subsection, if the Council finds that the complainant is the
23 owner of livestock killed or injured by a dog, it shall award
24 damages to the complainant in an amount equal to the
25 appraisers' estimate of damages.

26 (3) The] FOLLOWING THE HEARING, THE Council may award
27 damages in an amount that differs from the AVERAGE OF THE
28 appraisers' [estimate] ESTIMATES of damages if:

29 (a) the Council finds that the AVERAGE OF THE
30 appraisers' [estimate] ESTIMATES varies substantially from the
31 fair market value of the livestock; or

32 (b) ONE OR MORE OF the appraisers' [estimate]

1 ESTIMATES was not made in accordance with the provisions of
2 this article.

3 D. THE COUNCIL MAY ADOPT, BY RESOLUTION, RULES GOVERNING
4 THE ACCEPTANCE, EVALUATION, AND REJECTION OF CLAIMS SUBMITTED
5 UNDER THE PROVISIONS OF THIS ARTICLE.

6 Section 163-10. Subrogation.

7 By accepting an award under this article, a [claimant]
8 COMPLAINANT agrees to assign to Harford County any claims,
9 rights, and causes of action against the owner of the dog that
10 injured the livestock, to the extent of the award paid by the
11 county.

12 Section 163.11. Reimbursement by Dog Owner.

13 The county may seek reimbursement for any award paid under
14 this chapter by [commencing a civil action in the District
15 Court for Harford County] FILING SUIT against the owner of the
16 dog responsible for the livestock damage.

17 Section 2. And Be It Further Enacted, that this Act shall be
18 construed only prospectively and may not be applied or
19 interpreted to have any effect upon or application to any
20 claim for compensation for livestock damaged by dogs filed
21 prior to the effective date of this Act.

22 Section 3. And Be It Further Enacted, that this Act shall
23 take effect sixty (60) calendar days from the date it becomes
24 law.

25 EFFECTIVE: December 13, 1988
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88-59

BY THE COUNCIL

AS AMENDED

BILL NO. 88-59 (as amended)

Read the third time.

Passed LSD 88-30 (October 4, 1988) (with amendments)

Failed of Passage _____

By Order

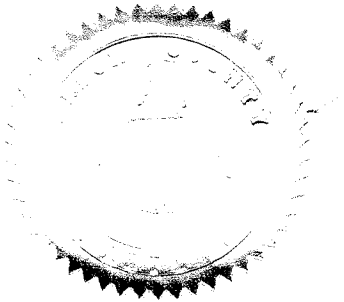
Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 5th day of October, 1988
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:



[Signature]
County Executive

Date 11-14-88

BY THE COUNCIL

This Bill (No. 88-59, as amended), having been approved by
the Executive and returned to the Council, becomes law on October 14, 1988.

Doris Poulsen, Secretary

EFFECTIVE DATE: December 13, 1988

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